

## **EXHIBIT E**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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COPY

ABHINAV BHATNAGAR, )  
Plaintiff, )  
vs. ) No. C07-02669  
JASON INGRASSIA, COUNTY OF )  
CONTRA COSTA and CITY of )  
SAN RAMON, )  
Defendants. )

DEPOSITION OF JONATHAN YOUNG

Taken before KAREN L. HENDERSHOTT,  
A Certified Shorthand Reporter,  
License No. C-6022, State of California

January 22, 2008

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FEB 07 2008

COUNTY COUNSEL  
MARTINEZ CALIF.

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## **EXHIBIT E-1**

1 MR. HARVEY: Now you're not.

2 MR. CANDAPPA: I wasn't then either, just for the  
3 record.

4 MR. HARVEY:

5 Q. Can you describe what the kit contains?

6 A. Yeah. The kit contains mostly everything we  
7 need for the blood draw. It contains a gauze, a needle,  
8 a needle holder, a Band Aid, an iodine packet, two tubes  
9 and a bubble wrap for the tubes. It also it contains  
10 labels and a seal.

11 Q. All right. Showing you Exhibit 2.

12 (Whereupon, Defendants' Exhibit No. 2 was  
13 marked for identification)

14 MR. HARVEY:

15 Q. Can you tell me what Exhibit 2 is?

16 A. The case number.

17 Q. No, what is the exhibit?

18 Do you know what the document is?

19 A. Oh, yes, sir.

20 Q. Can you tell me what the document is?

21 A. This is the blood kit we used for a draw.

22 Q. And who is the subject of the blood kit?

23 Who is the subject of the draw?

24 A. Excuse me if I don't pronounce it right.

25 Abhinav Bhatnagar.

1 Q. Okay. And can you tell us the date of the  
2 draw?

3 A. It is 5/20/06.

4 Q. And the time of the draw?

5 A. 2:30 a.m..

6 Q. And did you record the name of the officer?

7 A. The witnessing officer?

8 Q. Yes.

9 A. Again, excuse me if I pronounce it wrong.

10 Inpassio --

11 Q. Ingrassia?

12 A. Ingrassia.

13 MR. CANDAPPA: Objection, you know, leading the  
14 witness. That was not -- and it also misstates the  
15 witness's testimony. That was not what the witness  
16 said.

17 I'm also going to object and make a note for the  
18 record that this witness is not testifying from his  
19 recollection, but he's rather reading from Exhibit 2,  
20 and that Mr. Harvey it appears to me is coaching the  
21 witness.

22 THE WITNESS: Well, I do recognize it once you said  
23 it because that's someone I draw for occasionally.

24 MR. HARVEY:

25 Q. Okay.

## **EXHIBIT E-2**

1 A. Well, first thing I do is set up. I'll bring  
2 the kit, I'll open it. I'll hand the officer his  
3 paperwork. And I'll take the supplies and I'll set them  
4 up, basically, so I can go mobile. I'll put them in a  
5 napkin. I'll get them already.

6 And then whenever the officer's ready we will go  
7 and withdraw blood from the subject.

8 Q. All right. Do you recall where the blood was  
9 drawn in San Ramon on that night?

10 A. No, sir.

11 Q. All right. Now, let's go to Exhibit 3.

12 (Whereupon, Defendants' Exhibit No. 3 was  
13 marked for identification)

14 MR. HARVEY:

15 Q. Looking at the signature line of the document  
16 in Exhibit 3, which is entitled Declaration, is that  
17 your signature?

18 A. Yes, sir.

19 Q. All right. And is it your writing where the  
20 name Abhinav Bhatnagar is?

21 A. Yes.

22 Q. And the name Jonathan Young at the top of the  
23 page, is that your writing?

24 A. Yes, sir.

25 Q. And you're employed at CML?

1       A. Yes, sir.

2       Q. Is that your writing?

3       A. Yes, sir.

4       Q. And did you check off that you were a clinical  
5 laboratory bioanalyst?

6       A. No.

7       Q. How about phlebotomist?

8       A. Yes, sir.

9       Q. And did you date this document?

10      A. Yes, sir.

11      Q. And put in the name of the city?

12      A. Yes, sir.

13      Q. Now, the document indicates -- would this  
14 document be filled out at the time you draw the blood?

15      A. Yes, sir.

16      Q. And does the document describe what is done  
17 when you draw the blood?

18      A. Yes, sir.

19      Q. All right. Where would you get the name of the  
20 subject from?

21      A. The officer.

22      Q. All right. Do you do anything to confirm the  
23 name of the subject with the subject when you draw the  
24 blood?

25      A. No, sir. I'm sorry, in some occasions I'll



1 see an ID, but I don't ask for one.

2 Q. All right. And you don't recall in this case  
3 whether you did or not?

4 A. No, sir.

5 Q. All right. Now, when you finish drawing the  
6 blood what do you do with it?

7 A. Normally I mix it, I'll package it, and I'll  
8 hand it to the officer.

9 Q. When you say you mix it, what do you do when  
10 you mix it?

11 A. I believe they call it invert. You basically  
12 you shake it four or five times just to make sure it  
13 mixes with the anticoagulant.

14 Q. Okay. There is an anticoagulant in the tube?

15 A. Yes, sir.

16 Q. When you draw the blood and put it into the  
17 tube --

18 A. It's already in there.

19 Q. Then what do you do?

20 You've got the blood in the tube.

21 A. I'll label it.

22 Q. How do you label it?

23 A. There is two labels that come on every tube.

24 One tube goes over the top, and one tube goes around the  
25 side.

1 Q. When you say one tube, were you talking about  
2 one label?

3 A. Yes. One label going over the top and one  
4 label going on the side of the tube.

5 Q. When you place the label on the side of the  
6 tube does that label have the kit number on it?

7 A. Yes, sir.

8 Q. And does the label going over the top of the  
9 stopper have the kit number on it?

10 A. No, sir.

11 Q. So the only one that has the kit number on it  
12 is the one that goes around the tube?

13 A. Yes, sir. The way I put them on is you can't  
14 get one off without the other.

15 Q. All right. So you seal them so -- or you put  
16 them on so that you can't take the top off the tube  
17 without breaking the seal?

18 A. Exactly.

19 Q. All right. And is the manner of taking the  
20 blood described in Exhibit 3?

21 A. Yes, sir.

22 Q. And you normally fill two vials?

23 A. Yes, sir.

24 Q. And is the name of the person from whom the  
25 blood is drawn placed on the vials?

1       A. No, sir.

2       Q. All right. The only thing that relates to the  
3 name of the person would be the outside of the kit where  
4 the name of the person is recorded?

5       A. Also on the labels.

6       Q. All right. How does the name get on the  
7 labels?

8       A. Normally the officer puts it on there.

9       Q. Okay. So when you state in this declaration  
10 the vials of blood were labeled with full name of the  
11 defendant, the date and time of withdrawal, and I placed  
12 my initials on the label, would that be something you  
13 would do in every case?

14       A. I'm sorry?

15       Q. Would that -- in your declaration you indicate  
16 the vials of blood were labeled with the full name of  
17 the defendant, the date and time of withdrawal and  
18 placing your initials on the label.

19       Is that something would you do in every case?

20       A. Not in every case. I put my signature on there  
21 and sometimes the officer would fill it out and  
22 sometimes I would fill out.

23       Q. All right. Who filled out -- the name on the  
24 label would be different but there would be a name on  
25 the label in every case?

1       A. Yes, sir.

2       Q. And would you either sign or initial the label  
3       in every case?

4       A. Yes, sir, every case.

5       Q. All right. And would you put the date and time  
6       of withdrawal on the label in every case?

7       A. Yes, sir.

8       Q. All right. And would that be put on the label  
9       before or after the label was put on the vial of blood?

10      A. We would withdraw the blood first.

11      Q. All right. So you withdraw the blood --

12      A. And then label it.

13      Q. All right. Would you put the name on the label  
14      before the label is put on the vial?

15      A. Yes.

16      Q. Okay. And then once you have drawn the blood  
17      and you have the name down on the label is the label  
18      then placed on the vial of blood?

19      A. Yes, sir.

20      Q. And then the top is sealed?

21      A. Yes, sir, the top is sealed first and then the  
22      name goes after.

23      Q. So that you can't take that top seal off  
24      without breaking it?

25      A. Exactly.

## **EXHIBIT E-3**

1 described in the declaration?

2 A. Exactly.

3 MR. HARVEY: All right. And your objection was  
4 noted throughout that line, if you would like.

5 You didn't make objections to those questions, but  
6 I thought I would give you the opportunity if you wanted  
7 to object.

8 MR. CANDAPPA: I mean, I think the same question, I  
9 am not waiving the objection.

10 MR. HARVEY:

11 Q. All right. Now, I'm going to show you a  
12 document. And I just want you to confirm, and this is  
13 Exhibit 4, confirm for me on Exhibit 4 the number of the  
14 kit that was tested for this report. I have laboratory  
15 examination dated 5/31/2006.

16 (Whereupon, Defendants' Exhibit No. 4 was  
17 marked for identification)

18 MR. HARVEY:

19 Q. Do you see the kit number that was tested on  
20 this document or container number?

21 A. Oh, yes, sir.

22 Q. And that number is 34644?

23 A. Yes.

24 Q. And is that the same number as on the kit that  
25 you used to test Mr. Bhatnagar's blood --

1        A. Yes.

2        Q. -- in Exhibit 2?

3        A. Yes.

4        MR. CANDAPPA: I'm going to object on the basis  
5 that this same line of questioning with reference to  
6 exhibit -- did you say Exhibit D or Exhibit 4?

7        MR. HARVEY: Exhibit 4.

8        MR. CANDAPPA: Exhibit 4 lacks sufficient  
9 foundation for this witness to render a competent  
10 answer.

11       MR. HARVEY:

12       Q. How long does it normally take you to get from  
13 your house to the San Ramon Police Station?

14       A. About 20 minutes.

15       Q. Okay. And how long does it take you to get  
16 ready to go?

17       A. About five minutes.

18       Q. All right. Is there any way to determine where  
19 you were when you received the phone call on the night  
20 of May 20th, 2006?

21       A. Yes.

22       Q. How can we determine that?

23       A. Actually, no, there is not. There can and  
24 there can't be. It depends on my log.

25       Q. All right.

## **EXHIBIT E-4**





## **EXHIBIT E-5**

# DECLARATION

JONATHAN YOUNG under penalty of perjury says:  
(Print Name)

I am employed by CML in the capacity checked below:

- ☐ physician  
☐ registered nurse  
☐ licensed vocational nurse  
☐ licensed clinical laboratory technologist  
☒ clinical laboratory bioanalyst  
☒ phlebotomist  
☐ certified paramedic

On this date I took blood from a person identified to me as

ABHINAV BHATNAGAR, the defendant.

I cleaned the area to be punctured with the non-alcoholic disinfectant, included in the Contra Costa County Criminalistics Laboratory blood withdrawal kit.

Using the sterilized needle and holder from the kit, I inserted the needle into the defendant's vein and withdrew enough blood to fill the two vacuum vials.

I discarded the needle, holder and disinfectant and shook the vials thoroughly to prevent the blood from clotting.

The vials of blood were labelled with the full name of the defendant, the date and time of withdrawal and I placed my initials on the label.

I gave the vials to the officer who accompanied the defendant, and I observed the officer seal the top of each vial with a label seal and place his initials on the seal and on the label of each vial.

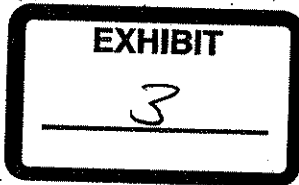
The sample(s) was/were taken in a medically approved manner.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 05-20-06 at SAN RAMON California.

*[Signature]*

(Signature of Declarant)



To be completed by person collecting blood.

(WHITE COPY) DISTRICT ATTORNEY'S COPY - PLEASE RETURN TO THE BLOOD WITHDRAWAL KIT  
 (YELLOW COPY) POLICE AGENCY'S COPY - PLEASE DETACH AND MAINTAIN FOR YOUR RECORDS  
 (PINK COPY) COPY FOR PERSON MAKING BLOOD WITHDRAWAL - PLEASE DETACH AND MAINTAIN FOR YOUR RECORDS  
 (GOLDENROD COPY) LABORATORY'S COPY - PLEASE RETURN TO THE BLOOD WITHDRAWAL KIT

Bhatnagar v. CCC CV07-02669 CRB  
CC107

BADCC: DEC. 1 2006

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## **EXHIBIT E-6**

06-6116-1



Forensic Services Division  
 Contra Costa County Office of the Sheriff  
 1960 Muir Road, Martinez, Ca. 94553



## REPORT OF LABORATORY EXAMINATION

Laboratory No:	06-6116-1	Agency:	San Ramon Police Department
Report Date:	5/31/2006	Agency Case No.:	06-12996
Service:	Alcohol Analysis	Requested by:	J. Ingrassia
Request Date:	5/24/2006	Case Type:	Alcohol & Drugs
Suspect(s):	Bhatnagar, Abhinav	Complainant(s):	None Indicated

Offenses:

23152 CVC

Date of Incident:

5/20/2006

Description of Evidence (Initial package(s) were submitted tape sealed unless otherwise stated)

Lab Evid #1: Blood Alcohol/Drug envelope

Test Subject: Bhatnagar, Abhinav

Type of sample: Blood

Container No.: 34644

Collected By: J. Young

Blood Alcohol Results:

0.09 % W/V Blood Alcohol

Date of analysis: 5/31/2006

EXHIBIT

4

I certify, under perjury, under the laws of the State of California, that the above blood/urine analysis was performed during the regular course of my duties, and is a true and correct copy thereof. I further certify that I am qualified to perform these analyses pursuant to Title 17 of the California Code of Regulations, and that the equipment used in arriving at the results was in proper working order at the time I performed this analysis.

Reported By:

Approved By:

Stephanie Williams, Forensic Toxicologist  
 (Forensic Alcohol Supervisor)

Arsenio D. Ricaltre, Forensic Toxicologist  
 (Forensic Alcohol Supervisor)

Date: May 31, 2006

Bhatnagar v. CCC CV07-02669 CRB

CC112

Executed in Martinez, Contra Costa County, California

03-23070